1	Introduced by Committee on Ways and Means
2	Date:
3	Subject: Taxation; property tax; reappraisals; reports
4	Statement of purpose of bill as introduced: This bill proposes to remove
5	municipalities from the property reappraisal process and require instead that
6	the Division of Property Valuation and Review within the Department of
7	Taxes conduct full and statistical reappraisals for all municipalities in the State.
8	This bill also proposes to require a written plan and progress report from the
9	Department of Taxes to the General Assembly on the implementation of the
10	new statewide system of full and statistical reappraisals. Additionally, this bill
11	requires the Department of Taxes to report to the General Assembly
12	recommending new categories of property for the grand list. This bill also
13	makes miscellaneous changes to lister and assessor education laws.
14	An act relating to property valuation and reappraisals
15	It is hereby enacted by the General Assembly of the State of Vermont:
16	* * * Findings * * *
17	Sec. 1. FINDINGS
18	The General Assembly finds that:
19	(1) In Vermont, according to the Vermont Department of Taxes,
20	Division of Property Valuation and Review, as of January 1, 2023, when not

1	accounting for the municipalities undergoing a reappraisal, the most recent
2	year of reappraisal for municipalities was on average 2014. The grand lists of
3	50 percent of municipalities were reappraised in 2014 or prior. 107
4	municipalities have not performed a reappraisal in more than 10 years. For
5	comparison, technical standard 4.8 of the International Association of
6	Assessing Officers (IAAO) recommends conducting reappraisals every four to
7	six years. According to the Property Valuation and Review 2023 Annual
8	Report, in 2021, Property Valuation and Review issued reappraisal orders
9	pursuant to 32 V.S.A. § 4041a(b) to 42 municipalities. Of the 42
10	municipalities, 36 were ordered to reappraise for the first time and six had
11	received an order in the prior year and had not yet completed a reappraisal.
12	(2) In the U.S., property owners of color are statistically more likely to
13	have their properties overvalued during appraisals conducted for taxation
14	purposes, according to numerous studies and reports, including Perry, et. al,
15	"The Devaluation of Assets in Black Neighborhoods in the U.S." (November
16	2018) Brookings Institute; Perry, Christopher, "Reassessing the Property Tax"
17	University of Chicago, Harris School of Public Policy (March 1, 2021); Yun,
18	et. al, "Snapshot of Race and Home Buying in America" (February 2022),
19	National Association of REALTORS; and Federal Home Loan Mortgage
20	Corporation (Freddie Mac), "Racial and Ethnic Valuation Gaps in Home
21	Purchase Appraisals" (September 20, 2021). A University of Chicago, Harris

1	School of Public Policy study found that, based on data from 2,600 U.S.
2	counties, on average, more than 90 percent of counties appraised the least
3	expensive homes higher, relative to the market price, than the most expensive.
4	In 24 percent of counties, the lowest-valued homes were appraised more than
5	twice as high in relative terms as the most expensive homes.
6	(3) Simultaneously, property owners of color in the U.S. are statistically
7	more likely to have their properties undervalued during appraisals conducted
8	for resale or financing purposes. Despite federal prohibitions on racial
9	discrimination in the finance and housing industries, notably in the Fair
10	Housing Act, 42 U.S.C. chapter 45, Black property owners seeking to sell their
11	properties are routinely advised to "whitewash" their homes when seeking
12	appraisals to remove evidence that the property is owned by an owner of color
13	in an effort to avoid or reduce racial discrimination in the appraisal process, as
14	detailed in news articles and recent lawsuits, including the Austin v. Miller and
15	Perotti complaint filed in the U.S. District Court of Northern California (Case
16	3:21-cv-09319-JCS); Kamin, Debra, "Black Homeowners Face Discrimination
17	in Appraisals" (August 25, 2020), New York Times; and CST Editorial Board,
18	"Race-based appraisals threaten American Dream for Black and Brown home
19	sellers" (December 10, 2021), Chicago Sun Times. Rates of property
20	overvaluation or undervaluation for property owners of color is consistent
21	regardless of the socioeconomic status of the property owner. Furthermore, the

1	steepest and most disparate rates of property overvaluation and undervaluation
2	are observed for properties owned by Black owners.
3	* * * Statewide Reappraisals * * *
4	Sec. 2. 32 V.S.A. § 4041a is amended to read:
5	§ 4041a. REAPPRAISAL
6	(a) A municipality shall be paid \$8.50 per grand list parcel per year from
7	the Education Fund to be used only for reappraisal and costs related to
8	reappraisal of its grand list properties and for maintenance of the grand list.
9	(b) If the Director of Property Valuation and Review determines that a
10	municipality's education grand list is at a common level of appraisal below 85
11	percent or above 115 percent, or has a coefficient of dispersion greater than 20
12	the municipality shall reappraise its education grand list properties. If the
13	Director orders a reappraisal, the Director shall send the municipality written
14	notice of the decision. The municipality shall be given 30 days to contest the
15	finding under procedural rules adopted by the Director, to develop a
16	compliance plan, or both. If the Director accepts a proposed compliance plan
17	submitted by the municipality, the Director shall not order commencement of
18	the reappraisal until the municipality has had one year to carry out that plan.
19	(c) If a municipality fails to submit an acceptable plan or fails to carry out
20	the plan, pursuant to subsection (b) of this section, the State shall withhold the

1	education, transportation, and other funds from the municipality until the
2	Director certifies that the town has carried out that plan.
3	(d) A sum not to exceed \$100,000.00 each year shall be paid from the
4	Education Fund to the Division of Property Valuation and Review for the
5	purpose of providing assessment education for municipal assessing officials.
6	The Director is authorized to establish guidelines and requirements for
7	education programs to be provided using the funds described in this section.
8	Education programs provided using funds described in this section shall be
9	provided at no cost or minimal cost to the municipal assessing officials. In
10	addition to providing the annual education programs as described in this
11	section, up to 20 percent of the amount available for education programs may
12	be reserved as a scholarship fund to permit municipal assessing officials to
13	attend national programs providing education opportunities on advanced
14	assessment topics. All applications for scholarships shall be submitted to and
15	approved by the Director.
16	(e) The Director shall adopt rules necessary for administration of this
17	section.
18	Sec. 3. 32 V.S.A. § 4041a(a) is amended to read:
19	(a) A municipality shall be paid \$8.50 per grand list parcel per year from
20	the Education Fund to be used only for reappraisal and costs related to

1	reappraisal of its grand list properties and for maintenance of the grand list.
2	[Repealed.]
3	Sec. 4. ONE-TIME APPROPRIATIONS; DEPARTMENT OF TAXES
4	(a) In fiscal year 2024, \$50,000.00 shall be appropriated from the General
5	Fund to the Department of Taxes to contract with one or more consultants with
6	expertise in statewide reappraisal systems to assist the Department in preparing
7	the implementation plan required under this act.
8	(b) It is the intent of the Generally Assembly to appropriate a sufficient
9	sum in fiscal year 2025 from the General Fund to the Department of Taxes to
10	fund the implementation costs of creating and operating an office of statewide
11	reappraisals pursuant to this act. The amount of the appropriation authorized
12	under this section shall be based on the recommendation of the Department in
13	the implementation plan required under this act on or before December 15,
14	<u>2024.</u>
15	Sec. 5. 32 V.S.A. § 4041a is amended to read:
16	§ 4041a. REAPPRAISAL
17	(a) [Repealed.]
18	(b)(a) If the Director of Property Valuation and Review determines that a
19	municipality's grand list has a coefficient of dispersion greater than 20, the
20	shall reappraise its Director shall order a State reappraisal of the grand list
21	properties. If the Director orders a reappraisal, pursuant to subsection 5413(e)

of this title and the Director shall send the municipality written notice of the
decision order. The municipality shall be given 30 days to contest the finding
under procedural rules adopted by the Director, to develop a compliance plan,
or both. If the Director accepts a proposed compliance plan submitted by the
municipality, the Director shall not order commencement of the reappraisal
until the municipality has had one year to carry out that plan.
(c) If a municipality fails to submit an acceptable plan or fails to carry out
the plan, pursuant to subsection (b) of this section, the State shall withhold the
education, transportation, and other funds from the municipality until the
Director certifies that the town has carried out that plan.
(d)(b) The Director shall adopt rules necessary for administration of this
section.
Sec. 6. 32 V.S.A. § 5413 is amended to read:
§ 5413. STATE APPRAISAL, REAPPRAISAL, AND LITIGATION
ASSISTANCE PROGRAM
(a)(1) A State appraisal, reappraisal, and litigation assistance program shall
be created within the Division of Property Valuation and Review of the
Department of Taxes to assist municipalities with for the following purposes:
(A) valuation assisting municipalities with the appraisal of complex
commercial or other unique properties within a municipality's jurisdiction and
to assist with any appeals arising from those valuations appraisals; and

1	(B) conducting full and statistical reappraisals of each municipality's
2	grand list properties for purposes of the municipal and statewide education
3	grand lists as required under subsection (c) of this section.
4	(2) The Commissioner of Taxes may contract with one or more
5	commercial appraisers to provide State appraisal and litigation assistance to
6	municipalities and to conduct full and statistical reappraisals under this section
7	The Commissioner may adopt rules to administer the provisions of this section
8	(b) The Commissioner shall For complex commercial or other unique
9	properties:
10	(1) the Commissioner shall determine the conditions for a property to be
11	eligible for State appraisal and litigation assistance, including the grand list
12	value or category of the property or other relevant factors as determined by the
13	Commissioner; and
14	(2) the Commissioner shall provide a process by which a municipality
15	may apply for <u>appraisal and litigation</u> assistance under this <u>section</u> <u>subsection</u>
16	for one or more complex commercial or other unique properties; and
17	(3) any municipality assisted under this subsection shall be considered
18	to have followed best practices pursuant to subdivision 5412(a)(1)(D) of this
19	<u>title</u> .
20	(c)(1) Any municipality assisted under this section shall be considered to
21	have followed best practices pursuant to subdivision 5412(a)(1)(D) of this title

1	For purposes of reappraising the municipal and statewide education grand lists
2	in this State, the Commissioner shall:
3	(A) determine a reappraisal schedule for each municipality's grand
4	list and shall publish the schedule annually;
5	(B) conduct or contract with one or more appraisers to conduct
6	statistical reappraisals for each municipality, provided that a statistical
7	reappraisal shall not be required in the same year as a full reappraisal in the
8	same municipality; and
9	(C) conduct or contract with one or more appraisers to conduct full
10	reappraisals for each municipality that shall commence not later than six years
11	after the commencement of the most recent full reappraisal.
12	(2) Upon completion of a reappraisal pursuant to this subsection, the
13	property values set by the Commissioner shall be binding on the municipality
14	and the municipality's municipal and statewide education grand lists.
15	(3) Annually, on January 1, \$2,540,000.00 shall be paid from the General
16	Fund to the Division of Property Valuation and Review for the purpose of
17	funding statewide reappraisals pursuant to this subsection.
18	Sec. 7. 32 V.S.A. § 5405(f) is amended to read:
19	(f) Within the limits of the resources available for that purpose, the
20	Commissioner may employ such individuals, whether on a permanent,
21	temporary, or contractual basis, as shall be necessary, in the judgment of the

1	Commissioner, to aid in the performance of duties under this section. The
2	Commissioner shall pay each municipality the sum of \$1.00 \$2.00 per grand
3	list parcel in the municipality for services provided to the Commissioner in
4	connection with the performance of duties under this section and for costs
5	related to the maintenance of the grand list. Each municipality shall deposit
6	payments received under this subsection into a special fund that shall be used
7	to support the preparation of the education property tax grand list.
8	Sec. 8. IMPLEMENTATION PLAN AND PROGRESS REPORT;
9	STATEWIDE REAPPRAISALS; PROPERTY GRAND LIST
10	CATEGORIES; DEPARTMENT OF TAXES
11	(a) On or before December 15, 2023, the Department of Taxes shall submit
12	in writing to the House Committee on Ways and Means and the Senate
13	Committee on Finance a progress report on the first six months of:
14	(1) implementation of the office of statewide reappraisals; and
15	(2) defining new categories of homestead and nonhomestead property
16	that apply to both municipal and statewide education grand lists and property
17	taxes, including a preliminary proposal for statutory definitions.
18	(b)(1) On or before December 15, 2024, the Department of Taxes shall
19	submit in writing to the House Committee on Ways and Means and the Senate
20	Committee on Finance:

1	(A) a detailed implementation plan and progress report on the first 18
2	months of implementation of the statewide system to conduct reappraisals of
3	both municipal and statewide education grand lists administered by the State
4	appraisal, reappraisal, and litigation assistance program within the Division of
5	Property Valuation and Review of the Department of Taxes pursuant to 32
6	V.S.A. § 5413; and
7	(B) recommended legislative language to define new categories of
8	homestead and nonhomestead property that apply to both municipal and
9	statewide education grand lists and property taxes and a detailed plan for
10	certifying or designating new property categories and integrating them into
11	both municipal and statewide education grand lists in 2025.
12	(2) The written submission required under this subsection shall identify
13	and recommend the means to achieve consistency in property valuation and
14	taxation across the State in order to prioritize the elimination of racial and
15	other implicit bias.
16	(3) The report required under subdivision (1)(A) of this subsection
17	regarding the implementation of the statewide office of reappraisals shall make
18	recommendations and propose legislative language regarding the following:
19	(A) Adequate funding, including cost saving measures and
20	reallocating the revenues from the per parcel fee under 32 V.S.A. § 4041a(a),
21	repealed pursuant to this act, to operate the office of statewide reappraisals.

1	The report shall address staffing costs for hiring or contracting with trained
2	assessors, or both, to carry out reappraisals and hearing officers to hold appeals
3	at locations across the State.
4	(B)(i) Administration of full and statistical reappraisals of each
5	municipality's municipal and statewide education grand list, including:
6	(I) selection and prioritization criteria;
7	(II) any proposed adjustments to the coefficient of dispersion
8	threshold that causes a reappraisal order pursuant to 32 V.S.A. § 4041a;
9	(III) any proposed adjustments to the frequency and efficacy of
10	conducting statistical reappraisals; and
11	(IV) any other recommendations for establishing a reappraisal
12	schedule.
13	(ii) The report shall list the municipalities that, at the time of
14	passage of this act, have been ordered to reappraise pursuant to 32 V.S.A. §
15	4041a for the longest duration of time and propose the means to prioritize a
16	first State-level reappraisal for those municipalities' grand lists, provided no
17	municipality shall be required to reappraise in fewer than five years after
18	completion of the most recent full reappraisal. The report shall further list the
19	municipalities that have recently undergone or are currently undergoing a
20	reappraisal and propose the means to ensure that those municipalities' grand

1	lists are not scheduled for a first State-level reappraisal in fewer than five years
2	after completion of the most recent full reappraisal.
3	(C) Creation of a reappraisal appeal structure that:
4	(i) ensures impartiality and installs procedural safeguards against
5	conflicts of interest;
6	(ii) ensures all communities have convenient and reasonable
7	access to State appeal hearings, regardless of the geographical location of the
8	appellant;
9	(iii) based on a study of other State administrative appeal
10	structures, incorporates the strengths and advantages of those appeal structures;
11	and
12	(iv) takes into consideration any other matters identified by the
13	Department relating to appeals, including a recommendation on potentially
14	narrowing or eliminating the role of Boards of Civil Authority within the
15	appraisal appeal process.
16	(D) Streamlining, integrating, and updating State and municipal
17	software vendor agreements relating to reappraisals and maintaining both
18	municipal and statewide education grand lists, including the integration of new
19	property categories as required in subdivision (1)(B) of this subsection (b)
20	beginning in 2025. The report shall further estimate costs and analyze any
21	other considerations regarding software vendor agreements.

1	(E) Distinguishing between contiguous parcels for purposes of
2	property valuation and the payment of the per parcel fee under 32 V.S.A.
3	§ 5405(f).
4	(F) Incentivizing municipalities to submit grand list parcel map data
5	to the Vermont Center for Geographic Information, including conditioning
6	payment of higher per grand list parcel fees on the submission of data.
7	(G) Incorporating the principles of a high-quality tax system into the
8	statewide reappraisal system as enumerated by the National Conference of
9	State Legislatures, "Tax Policy Handbook for State Legislators" (February
10	2010), 3rd ed., including sustainability, reliability, fairness, simplicity,
11	economic competitiveness, tax neutrality, and accountability.
12	(4) The recommendations and detailed plan required under subdivision
13	(1)(B) of this subsection regarding new property categories that apply to both
14	municipal and statewide education grand lists and property taxes and the State
15	homestead and nonhomestead property classifications shall include the
16	following:
17	(A) Legislative language that distinguishes between different
18	property types and uses in a way that reconfigures and consolidates existing
19	municipal and statewide education grand list property categories in order to
20	obtain detailed, accurate, and consistent data on all properties throughout the

1	State. The plan shall include discrete categories for different types of rental
2	housing properties, including affordable housing.
3	(B) Creation of a certification or other designation process for
4	categorizing property in a detailed, accurate, and consistent way that takes into
5	consideration the compliance and administrative burdens placed on both
6	property owners and municipal and State administrators. The plan shall
7	provide clear and actionable guidance on the new property categories and the
8	certification or other designation process for both property owners and
9	municipal listers and assessors.
10	(C) Assistance during the transition period for municipal listers and
11	assessors with conducting the initial categorization of properties under any
12	new statutory definitions.
13	(D) Integration of new categories into the statewide reappraisal
14	system.
15	Sec. 9. 2022 Acts and Resolves No. 163, Sec. 8(2) is amended to read:
16	(2) Sec. 3 (State appraisal and litigation assistance program) shall take
17	effect on July 1, 2023 , provided the General Assembly has, on or before July 1,
18	2023, appropriated funding to cover the Department of Taxes' operating costs
19	required to create, implement, and maintain a new State appraisal and litigation
20	assistance program.

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by the director Director.

1	* * * Lister and Appraiser Education * * *
2	Sec. 10. 32 V.S.A. § 3436 is amended to read:
3	§ 3436. ASSESSMENT EDUCATION
4	(a) The Director shall certify assessment education programs for municipal
5	listers and assessors at convenient times and places during the year and is
6	authorized to contract with one or more persons to provide part or all of the
7	assessment instruction. Certified programs may include instruction in lister
8	duties, property inspection, data collection, valuation methods, mass appraisal
9	techniques, property tax administration, or such other subjects as the Director
10	deems beneficial to listers and may be presented by Property Valuation and
11	Review or a person pursuant to a contract with Property Valuation and Review,
12	the International Association of Assessing Officials, the Vermont Assessors
13	and Listers Association, or the Vermont League of Cities and Towns.
14	(b) The Director shall establish designations recognizing levels of
15	achievement and the necessary course work or evaluation of equivalent
16	experience required to attain each designation. Designation for any one level
17	shall be for a period of three years.
18	(c) Designation obtained under subsection (b) of this section may be
19	renewed for three-year periods upon completion of requirements as determined

1	(d) The Director shall also notify all towns annually of any new approaches
2	that the Division of Property Valuation and Review is aware of for obtaining or
3	performing mass reappraisals and for grand list maintenance.
4	(e) A sum not to exceed \$100,000.00 each year shall be paid from the
5	Education Fund to the Division of Property Valuation and Review for the
6	purpose of providing assessment education for municipal listers and assessors.
7	The Director is authorized to establish guidelines and requirements for
8	education programs to be provided using the funds described in this section.
9	Education programs provided using funds described in this section shall be
10	provided at no cost or minimal cost to the municipal listers and assessors. In
11	addition to providing the annual education programs described in this section,
12	up to 20 percent of the amount available for education programs may be
13	reserved as a scholarship fund to permit municipal listers and assessors to
14	attend national programs providing education opportunities on advanced
15	assessment topics. All applications for scholarships shall be submitted to and
16	approved by the Director.
17	Sec. 11. 32 V.S.A. § 4052 is amended to read:
18	§ 4052. CONTRACT APPRAISALS; CERTIFICATION ASSESSOR
19	AND LISTER QUALIFICATIONS
20	(a) No municipality shall employ or contract a person, firm, or corporation
21	shall be employed by a municipality to perform and no elected lister or board

1	of listers shall perform appraisals of real property for the purpose of property
2	taxation unless approved by the Director of Property Valuation and Review as
3	qualified under this section.
4	(b) No person shall conduct the work of an elected lister, board of listers, or
5	assessor employed or contracted by a municipality pursuant to 17 V.S.A. §
6	2651c(b) unless the person meets the training requirements established by the
7	Director of Property Valuation and Review under this section.
8	(c) The Director shall establish by rule reasonable qualifications for
9	approval and training requirements, which shall include successful completion
10	of educational and training courses approved by the Director and, in the case of
11	an appraiser hired to do a townwide reappraisal reappraisals, at least one year's
12	experience with an appraiser who has satisfactorily completed townwide
13	reappraisals.
14	(e)(d) This section shall not apply to elected or appointed officials of any
15	town except elected listers or boards of listers.
16	Sec. 12. 17 V.S.A. § 2651c is amended to read:
17	§ 2651c. LACK OF ELECTED LISTER; APPOINTMENT OF LISTER;
18	ELIMINATION OF OFFICE; HIRING ASSESSORS
19	(a)(1) Notwithstanding any other provisions of law to the contrary and
20	except as provided in subsection (b) of this section, in the event the board of
21	listers of a town falls below a majority and the selectboard is unable to find a

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1	person or persons to appoint as a lister or listers under the provisions of 24
2	V.S.A. § 963, the selectboard may appoint an assessor to perform the duties of
3	a lister as set forth in Title 32 until the next annual meeting.
4	(2) The appointed person need not be a resident of the town and shall
5	have the same powers and be subject to the same duties and penalties as a duly
6	elected lister for the town.
7	(b)(1) A town may vote by ballot at an annual meeting to eliminate the
8	office of lister.
9	(2)(A) If a town votes to eliminate the office of lister, the selectboard
10	shall contract with or employ notify the Director of Property Valuation and
11	Review within 14 days and employ or contract a professionally qualified
12	assessor, who, prior to conducting any work, shall meet the training
13	requirements established by the Director under 32 V.S.A. § 4052 and need not
14	be a resident of the town.
15	(B) The assessor shall have the same powers, discharge the same
16	duties, proceed in the discharge thereof in the same manner, and be subject to
17	the same liabilities as are prescribed for listers or the board of listers under the
18	provisions of Title 32.
19	(3) A vote to eliminate the office of lister shall remain in effect until
20	rescinded by majority vote of the registered voters present and voting at an

annual or special meeting warned for that purpose.

1	(c) The term of office of any lister in office on the date a town votes to
2	eliminate that office shall expire on the 45th day after the vote or on the date
3	upon which the selectboard appoints employs or contracts an assessor under
4	this subsection, whichever occurs first.
5	(d) The authority to vote to eliminate the office of lister as provided in this
6	section shall extend to all towns except those towns that have a charter that
7	specifically provides for the election or appointment of the office of lister.
8	(e) If an assessor is employed or contracted to assist an elected board of
9	listers, the board of listers shall retain the same powers and duties, discharge
10	those powers and duties in the same manner, and be subject to the same
11	liabilities as those imposed on listers or the board of listers under the
12	provisions of Title 32.
13	* * * Conforming Revisions; Repeal of Town Reappraisals * * *
14	Sec. 13. CONFORMING REVISIONS; TOWN REAPPRAISALS
15	When preparing the Vermont Statutes Annotated for publication, the Office
16	of Legislative Counsel shall make the following revisions throughout Title 32
17	as needed for consistency with this act relating to repealing the municipal
18	requirement to conduct townwide reappraisals, provided that the revisions have
19	no other effect on the meaning of the affected statutes:

1	(1) replace "reappraisal" with "appraisal" or strike "reappraisal" or
2	"townwide" preceding "reappraisal" in 32 V.S.A. chapters 129, 131, and 135;
3	<u>and</u>
4	(2) revisions that are substantially similar to those described in
5	subdivision (1) of this section.
6	* * * Effective Dates * * *
7	Sec. 14. EFFECTIVE DATES
8	This act shall take effect on July 1, 2023, except:
9	(1) notwithstanding 1 V.S.A. § 214, Sec. 2, 32 V.S.A. § 4041a(b),
10	(reappraisal orders) shall apply retroactively to grand lists lodged on and after
11	<u>April 1, 2022;</u>
12	(2) Sec. 3, 32 V.S.A. § 4041a(a), (repeal of per parcel fee) shall take
13	effect on January 1, 2025; and
14	(3) Secs. 5, 32 V.S.A. § 4041a, (repeal of municipal requirement to
15	conduct reappraisals), 6, 32 V.S.A. § 5413 (State appraisal, reappraisal, and
16	litigation assistance program), and 7, 32 V.S.A. § 5405(f), (per parcel fee) shall
17	take effect on July 1, 2025.